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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

10 JUAN HERRERA, ) No. CV 15-4382 DSF (FFMx)  
11 v. Plaintiff, } ORDER SUMMARILY REMANDING  
12 MARC ANTHONY GONZALEZ, } ACTION TO STATE COURT  
13 DOES 1 to 10, }  
14 Defendant. }  
15

16 The Court will remand this action to state court summarily because Defendant  
17 removed it improperly.

18 On June 10, 2015, Defendant John Landa, having been sued in what appears to be a  
19 routine unlawful detainer action in California state court (Los Angeles Superior Court  
20 Case No. 15UN1055), filed a Notice of Removal of that action to this Court and also  
21 presented an application to proceed *in forma pauperis*.

22 The Court has denied the *in forma pauperis* application under separate cover  
23 because the Court lacks jurisdiction over the action. To prevent the action from remaining  
24 in jurisdictional limbo, the Court issues this Order to remand the action to  
25 state court.

26 Simply stated, as the Court has previously determined, Plaintiff could not have  
27 brought this action in federal court in the first place, in that Defendant does not  
28 competently allege facts supplying either diversity or federal-question jurisdiction, and

1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*  
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if  
3 complete diversity of citizenship existed, the amount in controversy does not exceed the  
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the  
5 contrary, the unlawful-detainer complaint recites that the amount in controversy does not  
6 exceed \$10,000.

7 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*  
8 28 U.S.C. §§ 1331, 1441(b).

9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior  
10 Court of California, County of Los Angeles, Norwalk Courthouse, 12720 Norwalk Blvd.,  
11 Norwalk, California 90650 for lack of subject matter jurisdiction pursuant to 28 U.S.C.  
12 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)  
13 that the Clerk serve copies of this Order on the parties.

14 IT IS SO ORDERED.

15 6/18/15

16 DATED: \_\_\_\_\_



17 \_\_\_\_\_  
18 DALE S. FISCHER  
19 United States District Judge

20 Presented by:  
21

22 /S/ FREDERICK F. MUMM  
23 FREDERICK F. MUMM  
24 United States Magistrate Judge  
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